

### REMARKS

This paper is filed in response to the final Office Action mailed on September 7, 2006. Currently, Claims 1-17 and 19-26 are pending in the application. Of these, Claims 4-14, 21, and 22 are withdrawn from consideration as being directed to different species. Claims 24-26 are allowed. Claims 1, 2, 15-17, 19, and 23 are rejected. Claims 3 and 20 are objected to. Reconsideration of Claims 1, 2, 15-17, 19, and 23 is respectfully requested.

#### The Rejection of Claim 17 Under 35 U.S.C. § 102(b)

Claim 17 is rejected under 35 U.S.C. § 102(b) as being anticipated by Bumgarner, U.S. Patent No. 5,758,895 ("Bumgarner").

As now amended, Claim 17 recites a movable linkage that connects the movable toe strap end to the movable ankle strap end such that both the toe and the ankle strap are shortened or lengthened with operation of the fastener.

For a reference to be anticipatory, the reference must exactly describe the claimed invention. While the Bumgarner patent may describe a first 4 and second 6 adjustable strap, the Bumgarner patent lacks teaching a fastener located on either the toe or the ankle strap such that both the toe and the ankle strap are shortened or lengthened with operation of the fastener.

Accordingly, the withdrawal of the rejection of Claim 17 as being anticipated by Bumgarner is respectfully requested.

#### The Rejection of Claims 1, 15, and 23 Under 35 U.S.C. § 102(b)

Claims 1, 15, and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,692,765 (Laughlin).

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

Claim 1 has been amended to recite an operable fastener located on one of either the toe or the ankle strap, wherein the fastener shortens or lengthens the strap on which it is located and the linkages cause the other strap to be shortened or lengthened thereby.

For a reference to be anticipatory, the reference must exactly describe the claimed invention. The Laughlin patent describes a lever 32 that tightens the toe strap 16 and the in-step strap 18. The lever 32 is attached to the high back member 14 at the back (see Figure 1). Therefore, the lever 32 is not located on one of either the toe strap 16 or the in-step strap 18.

Claims 15 and 23 depend from Claim 1. Accordingly, the withdrawal of the rejection of Claims 1, 15, and 23 as being anticipated by Laughlin is respectfully requested.

The Rejection of Claim 2 Under 35 U.S.C. § 103(a)

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Laughlin in view of U.S. Patent No. 4,060,256 ("Collombin et al.").

Claim 2 is dependent from Claim 1. Neither the Laughlin or Collombin et al. patents teach or suggest an operable fastener located on one of either the toe or the ankle strap, wherein the fastener shortens or lengthens the strap on which it is located, and the linkages cause the other strap to be shortened or lengthened thereby.

Accordingly, the withdrawal of the rejection of Claim 2 is respectfully requested.

The Rejection of Claim 16 Under 35 U.S.C. § 103(a)

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Laughlin in view of U.S. Patent No. 4,142,735 ("Biermann et al.").

Claim 16 is dependent from Claim 1. Neither the Laughlin or Biermann et al. patents teach or suggest an operable fastener located on one of either the toe or the ankle strap, wherein

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

the fastener shortens or lengthens the strap on which it is located, and the linkages cause the other strap to be shortened or lengthened thereby.

Accordingly, the withdrawal of the rejection of Claim 16 is respectfully requested.

The Rejection of Claim 19 Under 35 U.S.C. § 103(a)

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Laughlin.

Claim 19 has been amended to recite a manually operable fastener located on one of either the first or the second strap, wherein operation of said fastener shortens or lengthens the first strap and the second strap.

The Laughlin patent describes a lever 32 that tightens the toe strap 16 and the in-step strap 18. The lever 32 is attached to the high back member 14 at the back (see Figure 1). Therefore, the lever 32 is not located on one of either the toe strap 16 or the in-step strap 18.

Accordingly, the withdrawal of the rejection of Claim 19 as being unpatentable in view of Laughlin is respectfully requested.

Withdrawn Claims 4-14, 21, and 22

All the withdrawn Claims 4-14, 21, and 22 depend from Claim 1. Since Claim 1 is generic and is allowable, the withdrawn claims should be examined and found allowable, as well.

New Claims 27-29

Claims 27-29 are new and dependent from each of the independent Claims 1, 19, and 24. Claims 27-29 are submitted to be allowable.

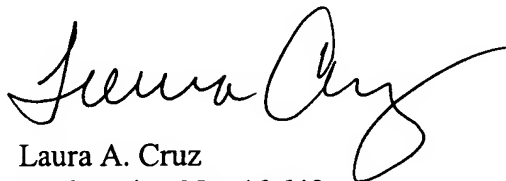
LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>LLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

CONCLUSION

In view of the foregoing amendments and remarks, applicant submits that Claims 1-17 and 19-29 are in condition for allowance. If the Examiner has any further questions or comments, the Examiner may contact the applicant's attorney at the number provided below.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

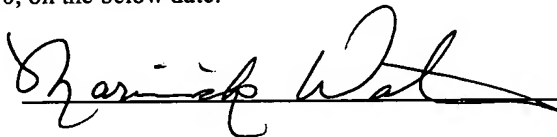


Laura A. Cruz  
Registration No. 46,649  
Direct Dial No. 206.695.1725

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first-class mail with postage thereon fully prepaid and addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

November 7, 2006



LXC:dmg

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100